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19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

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22 GIUSEPPE PAMPENA, on behalf of
himself and all others similarly situated,

23
24 Plaintiff,

25 vs.

26 ELON R. MUSK,

27 Defendant.
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CASE NO. 3:22-CV-05937-CRB

**DECLARATION OF ALEX BERGJANS IN
SUPPORT OF LEAD TRIAL COUNSEL
ALEX SPIRO'S REPLY IN SUPPORT OF
HIS MOTION TO QUASH SUBPOENA AND
FOR A PROTECTIVE ORDER**

Judge: Hon. Charles R. Breyer

Magistrate Judge: Donna M. Ryu

DECLARATION OF ALEX BERGJANS

I, Alex Bergjans, hereby declare as follows:

1. I am a member of the bar of the state of California and the United States District Court for the Northern District of California and an associate with Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Defendant Elon Musk and Lead Trial Counsel Alex Spiro. I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters. I make this declaration in support of Lead Trial Counsel Alex Spiro's Reply In Support of His Motion to Quash Subpoena and for a Protective Order.

2. Attached as **Exhibit 18**¹ is a true and correct copy of excerpts from the deposition of transcript of Anthony Armstrong taken in *Twitter, Inc. v. Musk, et al.*, C.A. No. 2022-0613-KSJM (Del. Ch.) on September 22, 2022, which has been designated confidential.

3. Attached as **Exhibit 19** is a true and correct copy of excerpts from Defendant's Amended Responses to Plaintiffs' Third Set of Special Interrogatories.

4. Attached as **Exhibit 20** is a true and correct copy of Mr. Musk's Schedule 14A filed with the Securities and Exchange Commission on May 16, 2022.

5. Attached as **Exhibit 21** is a true and correct copy of Mr. Musk's Schedule 14A filed with the Securities and Exchange Commission on May 17, 2022.

6. Attached as **Exhibit 22** is a true and correct copy of Mr. Musk's May 19, 2022 Tweet stating, "To be clear, I'm spending <5% (but actually) of my time on the Twitter acquisition. It ain't rocket science!"

7. Attached as **Exhibit 23** is a true and correct copy of Mr. Musk's Schedule 13D filed with the Securities and Exchange Commission on May 25, 2022 containing a letter signed by Defendant with the subject "Equity Financing Commitment."

¹ Exhibits are number sequentially following my declaration filed in support of Spiro's opening Motion. Dkt. 162-02.

8. Attached as **Exhibit 24** is a true and correct copy of a letter filed by Mike Ringler of Skadden, Arps, Slate, Meagher & Flom LLP with the Securities and Exchange Commission on June 7, 2022.

9. Attached hereto as **Exhibit 25** is a true and correct copy of an article titled “Elon Musk’s Twitter Deal Is Proceeding, Not ‘On Hold’ Executives Tell Staff” published on Bloomberg on May 19, 2022.

10. Plaintiffs’ Opposition contains a number of representations that appear to be inaccurate and/or not supported by the evidence they cite. I have identified certain examples below:

Plaintiffs’ Claim	Purported Sources	What the Evidence Actually Says
Claims re: Morgan Stanley		
[REDACTED]	Yuen Decl. Ex. 1: Email chain between Mike Ringler, Michael Grimes, Steven Brown, Owen O’Keeffe, Steven Weiner, Rick Polhemus, and Serkan Savasoglu (Not including Spiro)	[REDACTED]
[REDACTED]	Yuen Decl. Ex. 18: Robert Swan Deposition Transcript	[REDACTED]
[REDACTED]	Yuen Decl. Ex. 20: Kate Claassen Deposition Transcript	[REDACTED]

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2		Yuen Decl. Ex. 21: Rick Polhemus Deposition Transcript	
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6		Yuen Decl. Ex. 28: Excerpts from Walter Isaacson's book, "Elon Musk"	
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9		Yuen Decl. Ex. 23: Anthony Armstrong (Morgan Stanley) Deposition Transcript	
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18		Yuen Decl. Ex. 23: Anthony Armstrong (Morgan Stanley) Deposition Transcript	
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<p>[REDACTED]</p>		<p>[REDACTED]</p>
<p>[REDACTED]</p>	<p>Plaintiffs cite <i>no source</i> for this proposition.</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p>	<p>Yuen Decl. Ex. 23: Anthony Armstrong (Morgan Stanley) Deposition Transcript</p>	<p>[REDACTED]</p>

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		[REDACTED]
[REDACTED]	Yuen Decl. Ex. 19: Michael Grimes Deposition Transcript	[REDACTED]
[REDACTED]	Yuen Decl. Ex. 19: Michael Grimes Deposition Transcript	[REDACTED]
[REDACTED]		[REDACTED]

1	[REDACTED]		[REDACTED]
2	[REDACTED]		[REDACTED]
3	[REDACTED]		
4	[REDACTED]		
5	[REDACTED]		
6	Claims re: Spiro's Role		
7	[REDACTED]	Yuen Decl. Ex. 32: Mike Ringler Deposition Transcript	[REDACTED]
8	[REDACTED]		[REDACTED]
9	[REDACTED]		[REDACTED]
10	[REDACTED]		[REDACTED]
11	[REDACTED]		[REDACTED]

11, Attached as **Exhibit 26** is a true and correct copy of excerpts from the deposition of transcript of Mike Ringler taken in the above-captioned action on March 25, 2025, which has been designated confidential.

I declare under penalty of perjury under the laws of the United States and the state of California that the foregoing is true and correct.

Executed this 24th day of April, 2025 in Los Angeles, California.

By: /s/ Alex Bergjans

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record electronically or by another manner authorized under FED. R. CIV. P. 5(b) on this 24th day of April, 2025.

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Alex Bergjans
Attorneys for Defendant Elon Musk